

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v.

SANTO MEDINA-ROJAS,
Defendant.

CRIMINAL NO. 17-23 (PG)

SENTENCING MEMORANDUM

**TO THE HONORABLE JUDGE JUAN M. PEREZ-GIMENEZ
UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF PUERTO RICO**

Santo Medina-Rojas was arrested on December 21, 2016 and charged in a one-count indictment with violation of 8 U.S.C. § 1326(a)(2). Like so many others, Mr. Medina came to Puerto Rico from the Dominican Republic looking to work in order to support his family. He arrived in April, 2016 and was working construction full-time to send money home.

I. History and Characteristics

Mr. Medina has three daughters and one son, all of whom he supports financially. Mr. Medina's son Samuel is 13 years old and now lives in Minnesota with his mother. Mr. Medina's daughters still live in the Dominican Republic and very much rely on him to survive. Selena is only four years old and still takes baby formula. Since his arrest, Mr. Medina has depended on the kindness of friends and family to send milk for her. His other two daughters, Natasha and Nicole are 12 and 18 years old respectively. They have been getting groceries on credit at a local grocery store in the Dominican Republic since Mr. Medina has been detained. More than anything, Mr. Medina is desperate to go home so that he can resume his efforts to support his children.

Mr. Medina-Rojas has always worked. He left school in the second grade in order to work full-time on his family's farm. He also has experience as a welder, painter, and construction worker, and is eager to get back to work as soon as possible.

Despite this work ethic, Mr. Medina-Rojas hoped for more from his life. He is one of 22 children, 19 of whom are still alive. He grew up in a wooden house in the countryside that had neither water nor electricity. He explained that they ate what they were able to grow. In order to protect the health and well-being of their many children, Mr. Medina-Rojas' parents were strict. They administered corporal punishment and a demanding work schedule. Mr. Medina-Rojas reports that he had an unhappy childhood. He wanted to go to school, but he was required to work on the farm to ensure the survival of his family. He states that he did not have shoes to go to school even if he had been permitted to do so. As a result, Mr. Medina-Rojas can barely read or write. Though his parents were good to each other, and there was no mental health or drug addiction that plagued his childhood, Mr. Medina wanted more for his own children. He made the decision to come to Puerto Rico hoping to send enough money home that they could remain in school and have a better life.

II. Adequate Deterrence and Acceptance of Responsibility

Mr. Medina is desperate to return home to his family. He states that coming to Puerto Rico did not benefit anyone, and that he regrets his decision to leave the Dominican Republic. Mr. Medina's detention here in Puerto Rico has also been unusually difficult. Shortly after his arrest he was transferred to Bayamon-705 due to overcrowding at MDC-Guaynabo that resulted from the Varicella outbreak. He has been detained there for approximately three months. In the first few weeks, he lost more than 16 pounds. He has been unable to communicate with his family since his transfer. He has been unable to work or take the classes that would have been available

to him at MDC-Guaynabo. He has been kept in his cell for 22 hours a day and is struggling with the isolation. In order to cope with his resulting stress and depression, he has been reading the bible over and over again.

Mr. Medina-Rojas is painfully aware of the consequences of his decision to come here illegally. His decision caused him to be separated from his friends and family. Additionally, his children are worse off than they would have been if he had never left the Dominican Republic. This case has made him economically dependent on friends and family to support his children while he is gone, and he has been eloquent and frank in discussing his view that entering illegally was a mistake. He has also been thoughtful in expressing his remorse for his decision, and emphatic that he will not attempt to return illegally again. He has learned the hard way that it is simply not worth it.

Mr. Medina-Rojas has accepted responsibility for his conduct, and came to the United States knowing that he did not have permission to enter. He did so because he thought he could not afford to remain in the Dominican Republic and believed he had no other choice. Nonetheless, Mr. Medina-Rojas knows that he was wrong and that these last few months in prison have set him back tremendously. He will not attempt to return illegally again, and wishes only to return to the Dominican Republic so that he can get back to work and reunite with his family.

III. Recommendation

Mr. Medina-Rojas pleaded guilty to 8 U.S.C. 1326(a), which carries a base offense level of 8 under the United States Sentencing Guidelines. Because he clearly and timely demonstrated acceptance of responsibility for the offense, he is entitled to a two-point reduction for a total offense level of 6. Mr. Medina-Rojas has a criminal history category of I, so the applicable USSG sentencing range is from zero to six months incarceration.

Mr. Medina-Rojas has been detained since his arrest on December 21, 2016. He has already served almost four months of incarceration. Therefore, the defense respectfully requests that the Court sentence Mr. Medina-Rojas to the time that he has already served.

IV. Conclusion

Mr. Medina-Rojas now comes before the Court for sentencing. He is aware of the severity of his situation and his exposure to additional incarceration. The last several months have been a wakeup call for him, and he has learned the valuable lesson that his decision to come to the United States illegally harmed himself, his family, and his entire community.

Mr. Medina-Rojas has been detained since December 21, 2016, serving the last three months in the Bayamon state facility. He has done so admirably, without causing any issues or problems at the detention centers. Mr. Medina-Rojas will not return illegally, and will return home to meaningful and productive life in Santo Domingo

WHEREFORE, the Defendant, Mr. Santo Medina-Rojas, respectfully requests the Honorable Court take note of this sentencing memorandum and sentence him to the time he has already served, a sentence within the applicable sentencing guideline range.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I electronically filed the present notice with the Clerk of Court using the CM/ECF system which will send notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 11th day of April, 2016.

ERIC ALEXANDER VOS
Chief Defender
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